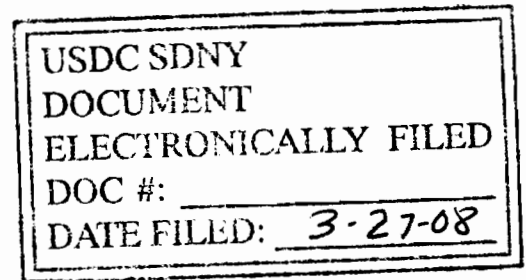


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
JOHN R. BLUMATTE, a/k/a ROBERT ANGONA, :  
a/k/a JOHN BLUE, :  
: 07 Civ. 2944 (JSR)  
Plaintiff, :  
: ORDER  
-v- :  
:   
GERARD QUINN, et al., :  
:   
Defendant. :  
----- X  
JED S. RAKOFF, U.S.D.J.



By Order dated February 4, 2008, the Court permitted plaintiff's counsel to take the deposition of Mr. Blumatte to preserve his testimony in the event of any remand following appeal. The Court retained ancillary jurisdiction over the case for the limited purpose of resolving any dispute that arose regarding the taking of the deposition. Defendant New York Academy of Art has now applied for a protective order, pursuant to Fed. R. Civ. P. 26(c), to prevent disclosure to any third party of the transcript or videotape of plaintiff's deposition, which was taken on March 4, 5 and 6, 2008 in Lexington, Kentucky. Although defendant assumes (with good reason) that plaintiff will release the transcript to Stuart Pivar, who is funding this litigation for plaintiff, and further assumes, with considerable justification based on past history, that Mr. Pivar may than make use of the deposition for doubtful purposes, defendant has not cited to any case that would warrant what would be in effect a prior restraint on plaintiff's furnishing his own testimony to a third party. Accordingly, the application for a protective order is denied.

SO ORDERED.



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JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
March 26, 2008